



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

145831



URGENT LEGAL MATTER

SEP 17 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

GAF CORPORATION
20 OZALID ROAD
JOHNSON CITY, NY

13790

Re: Scientific Chemical Processing Superfund Site
Paterson Plank Road, Carlstadt, New Jersey
Notice of Decision Not To Use Special Notice Procedures

Dear Sir/Madam:

The U.S. Environmental Protection Agency - Region II ("EPA") previously informed you by letter that EPA considered your company to be a potentially responsible party ("PRP") with regard to the Scientific Chemical Processing ("SCP") site located on Paterson Plank Road in the Borough of Carlstadt, Bergen County, New Jersey. Under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended in October 1986, 42 U.S.C. §9601 et seq. ("CERCLA"), PRPs may be liable for all response costs incurred by the federal government relating to this Site. By this letter, we reiterate that notification of potential liability to your company.

You are also hereby notified that EPA has determined that it will not utilize the special notice procedures contained in Section 122(e) of CERCLA, 42 U.S.C. §9622(e), for matters relating to the implementation of the interim remedy which was proposed by EPA in May 1990 and which was selected for the Site in the Record of Decision ("ROD") issued by EPA in September 1990.

The reasons for that decision include the following:

1. The ROD and the administrative record supporting the interim remedy clearly demonstrate that numerous hazardous substances, pollutants and contaminants exist at high concentrations in the soils at and in the aquifers beneath the Site. Many hazardous substances have been released and continue to be released out of the Site into the environment. The issuance of special notice pursuant to Section 122 of CERCLA would trigger a moratorium on EPA actions for at least 60 days. This would not expedite, but, would delay the response actions which are urgently needed at this Site; and

2. The recipients of this letter should be very familiar with the legal and factual bases supporting their potential liability for this Site. They should also be familiar with the scope of the environmental problems posed by conditions at and the options for cleaning up the Site. The facts supporting this are as follows:

- a. EPA notified approximately one hundred and thirty-nine(139) PRPs of their potential liability relating to the Site more than five(5) years ago; nineteen(19) additional PRPs received notice of their potential liability more than two (2) years ago;

- b. All of the initial one hundred and thirty-nine (139) PRPs were issued either an Administrative Order on Consent or a Unilateral Order by EPA in Fall 1985 with regard to this Site. Many of the recipients of those Orders have participated in the performance of studies relating to the Site over the last few years; and

- c. The vast majority of the entities which have been identified as PRPs for this Site are either plaintiffs or defendants (and/or third-party defendants) in private party litigation relating to this Site. All such entities are presumably aware of the legal and technical issues relating to this Site and their potential liabilities relating to the Site.

EPA has, therefore, concluded that use of the special notice procedures in Section 122(e) of CERCLA would not expedite the actions which are urgently needed at the Site. Their use would not be in the public interest and would not be appropriate for facilitating the interim remedy referred to above.

Please contact James P. Rooney, Esq. in the Office of Regional Counsel at (212) 264-3297 or Pat Evangelista of this office at (212) 264-6311, if you have any questions relating to this matter.

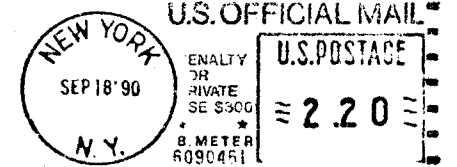
Sincerely yours,

A handwritten signature in dark ink, appearing to read 'R. Caspe', with a long horizontal flourish extending to the right.

Richard L. Caspe, P.E.
Division Director
Emergency and Remedial Response Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

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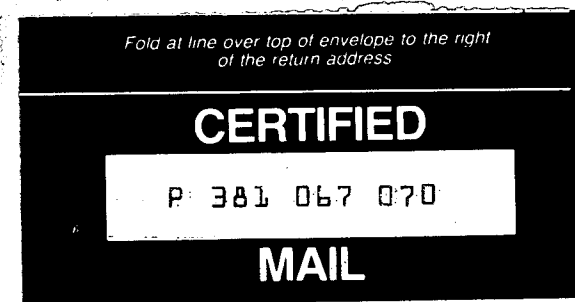
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GAF CORPORATION
20 OZALID ROAD
JOHNSON CITY NY
ATTN: COMPANY PRESIDENT

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3. Article Addressed to:
GAF CORPORATION
20 OZALID ROAD
JOHNSON CITY, NY 13790
ATTN: COMPANY PRESIDENT

4. Article Number
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PS Form 3811, Apr. 1989 *U.S.G.P.O. 1989-238-815

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